

AMENDED IN SENATE JULY 3, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY MAY 6, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1479

Introduced by Assembly Member Chu

February 21, 2003

~~An act to amend Section 11222 of, to add Sections 11205.2 and 11205.3 to, and to repeal and add Sections 11205, 11205.1, and 11214~~
An act to amend Section 11205 of, to add Section 11205.2 to, and to repeal and add Section 11214 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as amended, Chu. Vehicles: traffic violator schools.

(1) Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the traffic violator school referral list published by the Department of Motor Vehicles which is transmitted to the courts. Existing law requires the approval of the court in each judicial district in which a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on this referral list.

This bill would ~~revise those duties and would revise the provisions currently providing the criteria used by a court in approving traffic violator school names.~~

~~(2) Existing law requires a court to use either the current list of traffic violator schools published by the department or a statewide referral list~~

~~published by a nonprofit agency utilized by the courts for administration and monitoring services.~~

~~The bill would require the department to publish and revise, a classroom referral list consisting of the approved names of those licensed traffic violator schools that offer the classroom method of instruction, as specified. The bill would require a court, except as specified, to use the current classroom referral list published by the department when a person is ordered by a court to complete a program of traffic safety instruction. additionally require a court to notify a traffic violator school of the court's decision to remove the school's name from the list and the basis for that decision.~~

(2) Existing law authorizes the courts to utilize the services of a nongovernmental agency for traffic violator school administration and monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services. ~~The fee is limited to the actual cost incurred by the agency or \$5, whichever is less.~~

The bill would authorize a court to use court assistance program or CAP, as defined, to assist the court in performing services, as defined, relating to the processing of traffic violators. ~~This bill would delete the \$5 limitation on the amount of the fee that may be imposed and would prohibit a court assistance program from performing or duplicating services provided by the department.~~

~~(4)–~~

(3) Existing law authorizes the department to monitor traffic violator schools, as specified.

This bill would repeal this existing authorization, and instead, would authorize the department to audit, inspect, and monitor all licensed traffic violator schools, as described. The bill would require a court assistance program to follow a specific procedure if that program conducts the school monitoring services.

~~(5)–~~

(4) This bill would provide that its provisions do not restrict the authority of a court ~~as to the form or content of a court-approved program of driving instruction ordered by a court under a specific section of the Vehicle Code to offer court authorized or court approved programs, including, but not limited to, home study programs, to traffic violators.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11205 of the Vehicle Code, as amended by Section 455.5 of Chapter 931 of the Statutes of 1998, is ~~repealed~~; *amended to read:*

11205. (a) The department shall publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, to be transmitted to each ~~municipal superior court in the state, and to each superior court in a county in which there is no municipal court,~~ in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school. The list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. It shall include all of the following:

(1) The name of each traffic violator school or, pursuant to subdivision (d), the general term “traffic violator school” followed by its traffic violator school license number.

(2) A phone number used for student information.

(3) The county and the judicial district.

(4) The cities where classes are available.

(b) Each traffic violator school owner shall be permitted one school name in a judicial district.

(c) The list shall be organized alphabetically in sections for each county and subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.

(d) On the list prepared by the department under subdivision (c), each traffic violator school shall appear by name unless a court determines, pursuant to subdivision (e), that a name is inappropriate and directs the department to delete the name and instead list the school by the term “traffic violator school” followed by its license number. The deletion of the name of a school from the list for a judicial district shall not affect whether that school appears by name on the list for any other judicial district within the state. In making a determination under this subdivision regarding the deletion of a name from the list, the court shall use as its criteria whether the name is misleading to the public, undignified, or implies that the school offers inducements

1 or premiums which derogate or distort the instructional intent of
2 the traffic safety program.

3 (e) When the department transmits any referral list pursuant to
4 subdivision (a), each court shall do all of the following:

5 (1) Within 30 days of receipt of the list, notify the school owner
6 of any school name that the court intends to remove from the
7 referral list. *In its written notice, the court shall set forth the*
8 *specific basis and rationale for its decision.*

9 (2) Within 60 days of receipt of the list, make every effort to
10 schedule, conduct, and complete a hearing for the school owner,
11 or a representative, if requested, at which the sole issue shall be
12 whether the name violates the standards set forth in subdivision
13 (d). A substitute name may be submitted to the court at the
14 conclusion of the hearing, pursuant to subdivision (h).

15 (3) Within 10 days of the completion of that hearing, notify the
16 department and school owner of any school names it intends to
17 remove from the referral list.

18 (f) In order for a court action to delete a school name from the
19 next referral list published by the department, the department shall
20 receive court notification no later than 90 days prior to publication
21 of the next referral list and, absent a direct order by the appellate
22 division of the superior court or a court of higher jurisdiction, the
23 department ~~shall~~ may not fail to publish a referral list on the
24 grounds that there exists pending litigation or appeals concerning
25 the lists.

26 (g) Any court notifying the department of a school name it
27 intends to remove from the list, pursuant to this section, shall
28 provide the school owner with the name of the judge making those
29 findings.

30 (h) When a court informs a school owner, pursuant to
31 subdivision (e), of its decision to delete the name of a traffic
32 violator school from that judicial district's subsection of the
33 department's traffic violator school referral list, the owner may, on
34 a form approved by the department, submit a substitute name to the
35 court and request approval of that name. The court shall, within 30
36 days of receipt of the request for approval of the substitute name,
37 inform the department and the school owner, on a form approved
38 by the department, of its approval or rejection of the substitute
39 name. The school owner may continue this appeal process for
40 approval of a substitute name until the court determines that the

1 name does not violate the standard set forth in subdivision (d). A
2 name approval in a judicial district shall not affect the school's
3 name or listing in any other district in the state. The department
4 shall not impose any fee or license requirement under this
5 subdivision.

6 (i) If a court fails to act within 30 days on a request of a traffic
7 violator school owner, pursuant to subdivision (h), the proposed
8 substitute name shall be deemed approved by the court for the
9 purposes of the traffic violator school referral list.

10 (j) (1) Every application filed with the department on and after
11 June 1, 1991, for an original license by a traffic school owner or
12 for approval to conduct classes in a judicial district not previously
13 approved, shall be accompanied by the approval of the court in
14 each judicial district proposed for those operations of the name of
15 the school, on a form approved by the department for that purpose.
16 For the approved name to be included in the traffic violator school
17 referral list, the form shall be received by the department no later
18 than 90 days prior to publication.

19 (2) When a court disapproves a school name pursuant to this
20 subdivision, the court shall notify the school owner within 30 days
21 of its disapproval and schedule a hearing for that school owner, or
22 a representative, if requested, at which the sole issue shall be
23 whether the name violates the standards set forth in subdivision
24 (d). A substitute name may be submitted to the court at the
25 conclusion of the hearing, pursuant to subdivision (h).

26 (3) The court shall make every effort to schedule, conduct, and
27 complete a hearing within 60 days of receipt of the school owner's
28 request for a school name approval. A name approval in a judicial
29 district shall not affect the school's name or listing in any other
30 district in the state. A change in physical location by a school
31 within a judicial district shall not require approval pursuant to this
32 subdivision.

33 (k) The department shall publish a list of the owners of traffic
34 violator schools. One copy shall be provided to each municipal
35 court in the state, and to each superior court in a county in which
36 there is no municipal court. This list shall be revised at least twice
37 annually and transmitted to the courts by the first day of January
38 and the first day of July. This list shall include all of the following:

39 (1) The name of each school, grouped by owner.

40 (2) The business office address.

1 (3) The business office telephone number.

2 (4) The license number.

3 (5) The owner's name.

4 (6) The operator's name.

5 (l) Except as otherwise provided in subdivision (d) of Section
6 42005, the court shall use either the current list of traffic violator
7 schools published by the department when it orders a person to
8 complete a traffic violator school pursuant to subdivision (a) or (b)
9 of Section 42005 or, when a court utilizing a nonprofit agency for
10 traffic violator school administration and monitoring services in
11 which all traffic violator schools licensed by the department are
12 allowed the opportunity to participate, a statewide referral list may
13 be published by the nonprofit agency and distributed by the court.
14 The agency shall monitor each classroom location situated within
15 the judicial districts in which that agency provides services to the
16 courts and is represented on its referral list. The monitoring shall
17 occur at least once every 90 days with reports forwarded to the
18 department and the respective courts on a monthly basis.

19 (m) The court may charge a traffic violator a fee to defray the
20 costs incurred by the agency for the monitoring reports and
21 services provided to the court. The court may delegate collection
22 of the fee to the agency. Fees shall be approved and regulated by
23 the court. Until December 31, 1996, the fee shall not exceed the
24 actual cost incurred by the agency or five dollars (\$5), whichever
25 is less.

26 (n) If any provision of subdivision (d) or (e), as added by
27 Section 4 of Assembly Bill 185 of the 1991–92 Regular Session,
28 or the application thereof to any person, is held to be
29 unconstitutional, this section is repealed on the date the decision
30 of the court so holding becomes final.

31 *SEC. 2. Section 11205.2 is added to the Vehicle Code, to read:*
32 *11205.2. (a) As used in this chapter, court assistance*
33 *program (CAP) is a public or private nonprofit agency that*
34 *provides services, under contract with a court, to process traffic*
35 *violators.*

36 *SEC. 2. Section 11205 of the Vehicle Code, as amended by*
37 *Section 456 of Chapter 931 of the Statutes of 1998 is repealed.*

38 ~~*SEC. 3. Section 11205 is added to the Vehicle Code, to read:*~~
39 ~~*11205. (a) Each traffic violator school owner shall submit a*~~
40 ~~*proposed name to the superior court, on a form approved by the*~~

1 ~~department, and request name approval for the traffic violator~~
2 ~~school operating within the court's jurisdiction. The court may not~~
3 ~~impose a fee for the submission of this application.~~

4 (b) ~~The court shall have 30 days to act on the request for name~~
5 ~~approval. If the court fails to act within 30 days of receipt of this~~
6 ~~application for name approval, then the proposed name shall be~~
7 ~~deemed approved by the court for use by the traffic violator school~~
8 ~~for all purposes.~~

9 (c) ~~In making a determination under this section of whether or~~
10 ~~not to approve a proposed name, the court shall use as its criteria~~
11 ~~whether the proposed name is misleading to the public,~~
12 ~~undignified, or implies that the applicant offers inducements or~~
13 ~~premiums that derogate or distort the instructional intent of the~~
14 ~~traffic safety program.~~

15 (d) ~~If the court approves the proposed name, the court shall~~
16 ~~notify the applicant of its decision within the time period set forth~~
17 ~~in subdivision (b).~~

18 (e) (1) ~~Whenever the court determines that the proposed name~~
19 ~~is not in compliance with subdivision (c), the court shall~~
20 ~~immediately notify the applicant that the court has disapproved the~~
21 ~~proposed name. In its written notice to the applicant of its decision~~
22 ~~to reject the proposed name, the court shall set forth the specific~~
23 ~~basis, rational, and supporting evidence for the court's decision. A~~
24 ~~recital of the criteria set forth in subdivision (c) is not sufficient to~~
25 ~~meet this requirement.~~

26 (2) ~~If requested by the applicant or its representative, the court~~
27 ~~shall schedule a hearing for that applicant at which hearing the sole~~
28 ~~issue shall be whether the name violates the criteria under~~
29 ~~subdivision (c).~~

30 (3) ~~The court shall make every effort to schedule, conduct, and~~
31 ~~complete a hearing within 60 days of receipt of the applicant's~~
32 ~~request for a hearing.~~

33 (f) ~~A substitute proposed name may be submitted under this~~
34 ~~section to the court for approval at any time before or after the~~
35 ~~conclusion of the hearing. The court shall, within 30 days of~~
36 ~~receipt of the request for approval of the substitute name, inform~~
37 ~~the applicant, on a form approved by the department, of its~~
38 ~~approval or rejection of the substitute name. The applicant may~~
39 ~~continue this appeal process for approval of a substitute name until~~
40 ~~the court determines that the name does not violate the criteria~~

1 under subdivision (c). A school's name approval in a judicial
2 district does not affect the school's name or listing in any other
3 district in the state.

4 (g) A decision by the court to reject a proposed name or
5 substitute name may be reviewed by any court of competent
6 jurisdiction.

7 SEC. 4. ~~Section 11205.1 of the Vehicle Code is repealed.~~

8 SEC. 5. ~~Section 11205.1 is added to the Vehicle Code, to read:~~

9 11205.1. (a) ~~The department shall publish a list of the owners
10 and operators of traffic violator schools licensed by the
11 department. At least one copy shall be provided to each superior
12 court in the state. This list shall be revised at least twice a year and
13 transmitted to the courts by the first day of January and the first day
14 of July.~~

15 (b) ~~The list published in subdivision (a) shall include all of the
16 following:~~

17 (1) ~~The approved name of a traffic violator school.~~

18 (2) ~~The business office address of the traffic violator school.~~

19 (3) ~~The business office telephone number of the traffic violator
20 school.~~

21 (4) ~~The license number of the traffic violator school.~~

22 (5) ~~The traffic violator school owner's name.~~

23 (6) ~~The traffic violator school operator's name.~~

24 SEC. 6. ~~Section 11205.2 is added to the Vehicle Code, to read:~~

25 11205.2. (a) ~~The department shall publish a classroom
26 referral list consisting of the approved names of those licensed
27 traffic violator schools that offer the classroom method of
28 instruction. The department shall transmit copies of the classroom
29 referral list to each superior court in the state in sufficient quantity
30 to ensure the courts provide a whole, nonexcerpted copy of the
31 classroom referral list to each person referred by the court to a
32 traffic violator school under Section 42005. The list shall be
33 revised at least semiannually, or more often as necessary to serve
34 the purposes of this chapter, and sent to the courts by the first day
35 of January and the first day of July.~~

36 (b) (1) ~~The classroom referral list shall include the following:~~

37 (A) ~~The name of the traffic violator school approved under
38 Section 11205.~~

39 (B) ~~A telephone number to be used by students for information.~~

1 ~~(C) The name of the county, judicial district, and city for each~~
2 ~~approved classroom location.~~

3 ~~(2) Each traffic violator school listed in the classroom referral~~
4 ~~list shall appear by its approved name and shall be permitted one~~
5 ~~approved school name in a judicial district.~~

6 ~~(3) The classroom referral list shall be organized alphabetically~~
7 ~~in sections for each city within a county and in subsections for each~~
8 ~~judicial district within the county. The name of a traffic violator~~
9 ~~school shall appear in each city in which the school has an~~
10 ~~approved classroom location. The order of the traffic violator~~
11 ~~school names listed within each city shall be random in accordance~~
12 ~~to the department's development and implementation of a system~~
13 ~~of computer generated, randomly selected numbers or rotated~~
14 ~~within each subsection for each copy of the list that is printed.~~

15 ~~(e) Except for those courts described in subdivision (a) of~~
16 ~~Section 42005, a court shall use the current classroom referral list~~
17 ~~published by the department, when the court orders a person to~~
18 ~~complete a program of traffic safety instruction pursuant to~~
19 ~~Section 42005.~~

20 ~~(d) The department may augment, but not replace, the printing~~
21 ~~and distribution of the classroom referral list by also electronically~~
22 ~~publishing copies of these referral lists on the department's Web~~
23 ~~site.~~

24 ~~SEC. 7. Section 11205.3 is added to the Vehicle Code, to read:~~
25 ~~11205.3. (a) As used in this section and Section 11214, court~~
26 ~~assistance program or, "CAP" is a public or private nonprofit~~
27 ~~agency.~~

28 ~~(b) A court may use a CAP to assist the court in performing~~
29 ~~services related to the processing of traffic violators. As used in~~
30 ~~this section, "services" includes those services relating to the~~
31 ~~processing of traffic violators at, and for, the court.~~

32 ~~(c) Except as provided in subdivision (d), in providing its~~
33 ~~services to a court, a CAP shall not perform or duplicate any~~
34 ~~service, function, or responsibility of the department set forth in~~
35 ~~this chapter or in the department's regulations related to traffic~~
36 ~~violator schools. A CAP utilized by a court may not issue~~
37 ~~certificates of completion or provide testing services for a licensed~~
38 ~~traffic violator school.~~

39 ~~(d)~~

1 (c) Whenever a CAP monitors a designated traffic violator
2 school, the CAP shall follow the procedures set forth in
3 subdivision (d) of Section 11214. The CAP shall send its
4 monitoring report to the department for review, evaluation,
5 processing and any further action determined necessary by the
6 department. A copy of the report shall also be provided to the
7 court. ~~A CAP has no authority over a traffic violator school, other~~
8 ~~than as provided~~ *The role of a CAP is limited to that set forth in this*
9 section. Nothing in this section shall be construed to abrogate or
10 limit the inherent powers of the courts under Article VI of the
11 California Constitution.

12 ~~(e) The court may charge the traffic violator a fee to defray the~~
13 ~~costs incurred by the CAP to provide its services to the court. Fees~~
14 ~~shall be established, approved, and regulated by the court. If a fee~~
15 ~~is imposed, it shall be collected by the court from the traffic~~
16 ~~violator. The court may delegate collection of the fee to the CAP.~~
17 ~~Any fee authorized by this subdivision shall be applicable only in~~
18 ~~those cases where a traffic violator has agreed to attend or has been~~
19 ~~ordered to attend a program of traffic safety instruction pursuant~~
20 ~~to Section 42005. The fee shall not apply to those nontraffic~~
21 ~~violator persons who elect to attend a traffic violator school under~~
22 ~~to Section 11200.~~

23 ~~(f)~~

24 (d) *When a monitoring report is adverse, the CAP shall send a*
25 *copy to the licensee within 30 days after the date of the monitoring.*
26 *Copies of all other monitoring reports shall be available to a*
27 *licensee upon request and payment of a fee. The fee may not exceed*
28 *the cost of postage and photocopying.*

29 (e) *The department or a court may not remove the name of a*
30 *traffic violator school that does not have a suspended or revoked*
31 *license from any student referral list published by the department*
32 *or CAP pursuant to Section 11205, unless the school is provided*
33 *notice and the opportunity to request a hearing conducted by the*
34 *department or a court, to determine whether there are sufficient*
35 *grounds to warrant removal of the school's name. Any decision to*
36 *remove a name may be appealed to any court of competent*
37 *jurisdiction.*

38 (f) *In the event that a CAP, acting pursuant to a contract with*
39 *a court, audits or inspects the records of a traffic violator school,*



1 *the CAP shall use the same process and procedures used by the*
2 *department to conduct the audit or inspection.*

3 (g) This section does not preclude a court from entering into a
4 contract with public or private nonprofit agencies to provide
5 services to the court, other than those described in this section.

6 ~~SEC. 8.—~~

7 *SEC. 3.* Section 11214 of the Vehicle Code is repealed.

8 ~~SEC. 9.—~~

9 *SEC. 4.* Section 11214 is added to the Vehicle Code, to read:

10 ~~11214. (a) The department has the exclusive authority to~~
11 ~~audit, inspect, and, except as provided in subdivision (d) of section~~
12 ~~11205.3, to monitor all licensed traffic violator schools.~~

13 *11214. (a) Except as provided in this chapter, the department*
14 *may audit, inspect, and monitor, all licensed traffic violator*
15 *schools.*

16 (b) The department may annually audit the records of a
17 licensee. Auditing includes, but is not limited to, the review and
18 examination of business records, class records when applicable,
19 business practices, and the content of the program of instruction
20 set forth in the lesson plan or curriculum of a licensee.

21 (c) Inspecting includes, but is not limited to, the review of the
22 business office, branch office, and applicable classroom facilities
23 of a licensee.

24 (d) Monitoring includes the onsite review of the actual
25 presentation of the program of traffic safety instruction provided
26 in a classroom mode of instruction. ~~The department shall develop~~
27 ~~forms to be used for monitoring by the department or by a court~~
28 ~~assistance program under subdivision (d) of Section 11205.3.~~
29 ~~Whenever a traffic safety class is monitored by the department or~~
30 ~~a court assistance program, the monitoring agency shall mail a~~
31 ~~copy of the monitoring report to the traffic violator school owner.~~
32 ~~Any subsequent monitoring report related to the same class shall~~
33 ~~be mailed to the traffic violator school owner. A copy of a~~
34 ~~monitoring report required to be mailed to a licensee shall be sent~~
35 ~~within 20 days after the date of monitoring.~~

36 ~~SEC. 10.~~ Section 11222 of the Vehicle Code is amended to
37 read:

38 ~~11222.~~ The department may contract with a public or private
39 nonprofit entity to administer any part of this chapter, subject to
40 limitations in other laws regarding contracting out for services. No

1 ~~contract shall exceed three years' duration. The contracting entity~~
2 ~~shall conform to all of the following requirements:~~

3 ~~(a) Engage in no other business activity with a traffic violator~~
4 ~~school or any principal of a traffic violator school, including the~~
5 ~~provision of services or supplies.~~

6 ~~(b) Provide reports in the form required by the department and~~
7 ~~to the Legislature as instructed by the department. These reports~~
8 ~~shall be issued not less frequently than annually.~~

9 ~~(c) Make its records available for inspection by authorized~~
10 ~~representatives of the department, the Legislative Analyst, and the~~
11 ~~State Auditor.~~

12 ~~(d) The public or private nonprofit entity may not subcontract~~
13 ~~any obligations it may have under this contract with the~~
14 ~~department.~~

15 ~~SEC. 11.— Nothing in this act restricts the authority of a court~~
16 ~~as to the form or content of a court-approved program of driving~~
17 ~~instruction ordered by a court under Section 41501 of the Vehicle~~
18 ~~Code.~~

19 ~~(e) To the extent that funding is available, the department shall~~
20 ~~endeavor to monitor one representative class of a classroom based~~
21 ~~licensee at least once every 180 days in each county in which the~~
22 ~~licensee provides traffic safety instruction. The department's~~
23 ~~monitoring of a licensee's program of traffic safety instruction may~~
24 ~~be conducted without advance notice to the licensee. The~~
25 ~~department shall provide the resources and staffing for these~~
26 ~~monitoring functions that are commensurate with the moneys~~
27 ~~appropriated by the Legislature to the department under Section~~
28 ~~11208.~~

29 ~~SEC. 5. Nothing in this act restricts or changes the authority~~
30 ~~of a court to offer court authorized or court approved programs,~~
31 ~~including, but not limited to, home study programs, to traffic~~
32 ~~violators.~~